



**ENVIRONMENT AND PLANNING REVIEW TRIBUNAL**

Case Ref: PA/03034/20

Application type: Full development permission

Applicant: Goldvest company Ltd Attn: Mr Edward Vella

Architect: Perit Charles Buhagiar

Proposal: To construct additional seven rooms on approved substation as an extension to old people's home approved in PA 3339/16.

Location: Ex Imperial Hotel, Triq Rodolfu c/w Triq Santa Marija, Triq il-Knisja, Sliema

**Appellants:**

- Christine Bellizzi (436577M), Melita Mansions/3 Triq il-Knisja Sliema
- Clinton Bellizzi (216387M), Melita Mansions/3 Triq il-Knisja Sliema,
- Hans Nie (30016A), Melita Mansions/6 Triq il-Knisja Sliema

**THIRD PARTY APPEAL**

Whereas appellants humbly submit and premise as follows:

The following document is an appeal from the Planning Commission's decision to approve this application, which decision was published in the Government Gazette on the 30<sup>th</sup> of December 2020.

The appellants are third-party registered objectors and interested parties for all intents and purposes at law.

The appellants feel aggrieved by the decision referred to above, and by means of this application are requesting this Tribunal to revoke the Planning Commission's decision on the development permission referred to.

**GROUND OF APPEAL**

FIRST GROUND OF APPEAL – Extension approved at a height that is not conformant with permissible building height's for UCAs as established under SPED UO2.3 and NHSJ06

SECOND GROUND OF APPEAL – Incorrect application of DC15 P6

FIRST GROUND OF APPEAL – Extension approved at a height that is not conformant with permissible building height's for UCAs as established under SPED UO2.3 and NHSJ06

The site lies within Sliema's UCA and is therefore subject to SPED UO2.3 which calls for a 'context driven approach' when establishing building heights in UCAs.

The site is also subject to policy NHSJ06 which states that "Within the Sliema UCA, Building Height Limitations reflect the predominance of existing commitments."

As such, in the case of the Sliema UCA, the building height limitations provided in the 2006 Local Plans already cater for the context driven approach required under SPED UO2.3.

Under Local Plan SJ3, Triq il- Knisja is designated as **2 floors without semi basement.**

It is being noted that the height should not be interpreted through DC15 Annex 2 but taken to be the *actual* height as measured physically on the existing properties, since it is the existing physical height which represents the predominant height provided in the Local Plans and which caters for the 'context driven approach' called for by SPED.

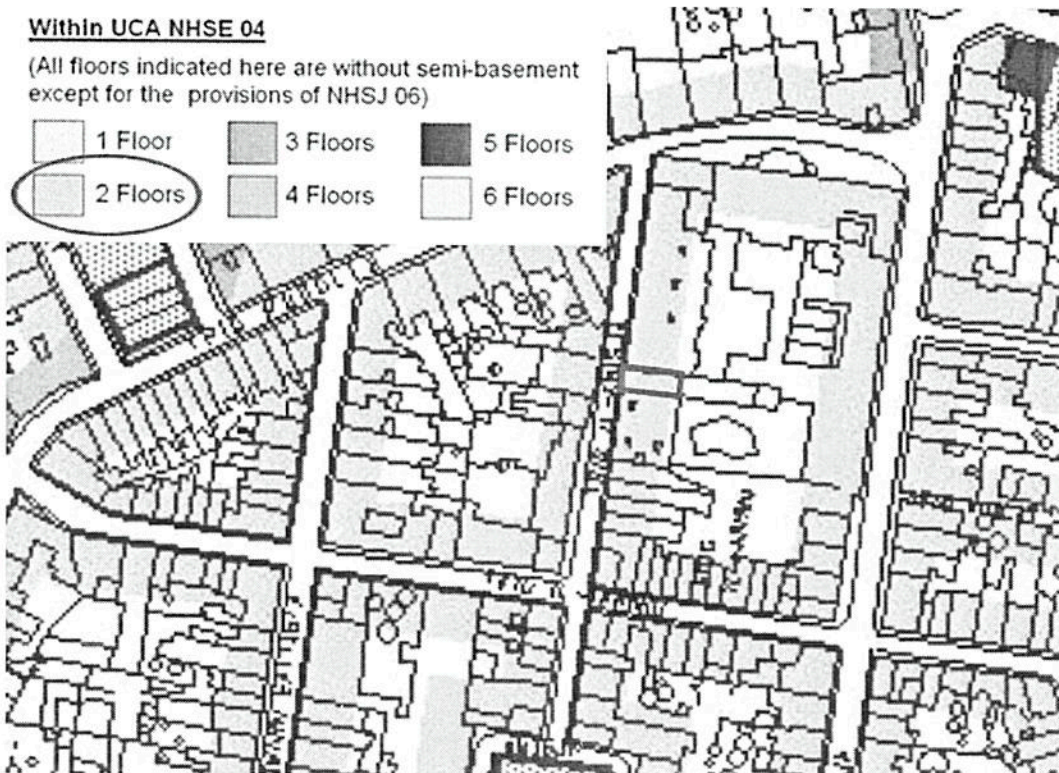


Fig1 – Site outlined in red, showing 2 floor designation in Local Plan Map SJ3

As is clear from the above, any exceedance of the two-floor building height limitation would therefore go against both the SPED and the Local Plan policy NHSJ06.

The Planning Commission's decision to approve the development at three floors plus setback floor was therefore, in breach of these applicable SPED and the Local Plan policies.

## SECOND GROUND OF APPEAL – Incorrect application of DC15 P6

The Planning Commission's justification of the approval of the development at three floors, on the basis of DC15 P6, is also incorrect.

The development pertains to an addition to a home for the elderly currently being developed on the ex-Imperial site. The addition in question will extend beyond the boundary of the ex-Imperial hotel.

The site is adjacent to the home for the elderly on the left, having a frontage of three floors, and adjacent to a continuous row of townhouses to right, having a frontage of two floors.

The ex-Imperial site is the only existing higher building within the perimeter block street frontage. As such, under policy P6 (figure 26) a transition would fall under Scenario 3.

Under Scenario 3, a transition will be applied *if* the height difference is greater than 1 floor.

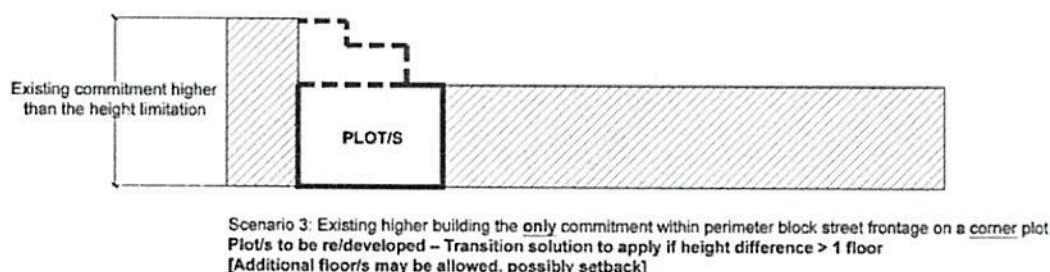


Figure 26: Transition design solutions – 3 scenarios

In this case, since the change is from three floors to two floors, the height difference is *not* greater than one floor, therefore, a transition should not have been applied.

In conclusion, the appellants maintain that the approval of the development at three floors was in breach of the SPED and Local Plan policies quoted above and furthermore, could not be justified through the application of P6 given that the site would not qualify for a transition.

For these reasons and others which may result during the hearing of this case, the appellants are humbly requesting this Honourable Tribunal to annul the decision taken by the Planning Commission and revoke the permit without further delay.

Perit Tara Cassar  
tara.cassar@gmail.com

**List of witnesses:**

1. The appellants and the applicant
2. The Planning Authority
3. Employees of and consultants to the Planning Authority
4. Architects and field experts
5. Objectors